

desire to say that the books showed that \$797.40 was paid in corn, cotton, cotton seed and money to the Reformatory by Mr. C. A. Rogers.

Respectfully submitted,  
DAVIDSON,  
WAYLAND.

On motion of Senator Burns, the Senate adjourned until 10 a. m. tomorrow.

#### FORTY-THIRD DAY.

Senate Chamber,  
Austin, Texas, Friday, March 10, 1899.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the Chair.

Roll called. Quorum present, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Atlee.    | Miller.    |
| Burns.    | Neal.      |
| Davidson. | Odell.     |
| Gough.    | Patterson. |
| Greer.    | Potter.    |
| Grinnan.  | Ross.      |
| Hanger.   | Sebastian. |
| James.    | Stafford.  |
| Johnson.  | Terrell.   |
| Kerr.     | Turney.    |
| Lewis.    | Wayland.   |
| Linn.     | Yantis.    |
| Lloyd.    | Yett.      |
| McGee.    |            |

Absent.

Dibrell. Stone.

Absent—Excused.

Goss. Morriss.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Yett, the same was dispensed with.

#### PETITIONS AND MEMORIALS.

By Senator Lloyd:

Petition from citizens of the town of Jacksonville to the Legislature to abolish the charter and corporation of said town.

Read, and referred to Committee on Towns and City Corporations.

By Senator Potter:

Petition of engineers and firemen, relating to legislation to protect their interests.

Read, and referred to the Committee on Labor.

By Senator Potter:

Petition of citizens of Gainesville in reference to tax on peddlers.

Read, and referred to the Committee on Finance.

#### COMMITTEE REPORT.

Committee Room,  
Austin, Texas, March 8, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 222, being a bill to be entitled "An Act to authorize the Governor and Commissioner of the General Land Office to appoint not more than two agents for the public school lands of this State, to investigate and report upon the location, condition, use or occupancy of the unsold and unleased public school lands of this State, reporting the same to the Governor and said Commissioner,"

And find the same correctly engrossed.

JAMES, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Linn:

Senate bill No. 238, A bill to be entitled "An Act to amend Chapter 4, Title XVIII, of the Revised Civil Statutes of the State of Texas of 1895, by adding after Article 418, Article 418a, empowering cities and towns incorporated under the general law and by special charter to condemn private property for use in laying water pipes and mains, establishment of public wells, pumps and pumping stations and reservoirs, providing a method of such condemnation, and declaring an emergency."

Read first time, and referred to the Committee on Towns and City Corporations.

By Senator Miller:

Senate bill No. 239, A bill to be entitled "An Act to amend Chapter 21, Title XXX, of the Revised Civil Statutes of the State of Texas of 1895, relating to receivers, by adding thereto Article 1481a."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Turney:

Senate bill No. 240, A bill to be entitled "An Act to authorize admission to record and evidence in the courts of this State of duly certified copies of all deeds and other instruments of conveyances of land which have been duly registered or recorded in other States, or in the Republic of Mexico, but which the laws of such States or country require to be retained in the deed or notarial archives of such

States or country, and to give such instruments like effect, as notice and proof, as is given by deeds executed in this State, and to declare an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Kerr:

Senate bill No. 241, A bill to be entitled "An Act to create a State Board of Health, define its duties and powers, and provide for its maintenance in the State of Texas."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Burns:

Senate bill No. 242, A bill to be entitled "An Act to provide for the payment of fees of district clerks in tax suits where suits were dismissed by the State, and to make an appropriation therefor."

Read first time, and referred to the Committee on Finance.

By Senator Davidson:

Senate bill No. 243, A bill to be entitled "An Act validating the incorporation for school purposes only of Victoria Independent School District, an independent incorporated public school district heretofore incorporated in Victoria county, including within its limits the municipal corporation of the town or city of Victoria; adding to the same certain territory, so as to make the same hereafter co-extensive with the ancient and original town tract of Victoria; validating the acts of the board of trustees to levy, assess and collect special taxes; conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and further prescribing the duties and authority of said board."

Read first time, and referred to the Committee on Towns and City Corporations.

By Senators Hanger and Odell:

Senate Concurrent Resolution No. 14:

Whereas, On the 13th day of January, A. D. 1899, Hon. C. A. Culberson, Governor of the State of Texas, submitted to the Legislature a special message concerning a sum of money procured by congressional appropriation, amounting to \$101,113.27, and in said special message called the attention of the Legislature to a contract theretofore made by which the firm of Hogg & Robertson, attorneys at law, were to be paid the sum of 10 per cent. on such sum as they might recover or have appropriated by Congress, and recommending to the Legislature the payment of said sum of 10 per

cent. as attorney's fees on the sum of money appropriated less the sum of \$45,000 theretofore paid by the Federal government on what was known as the "Toby" claim; therefore, be it

Resolved by the Senate, the House of Representatives concurring, that it is the sense of the Legislature of the State of Texas that there exists no authority of law for said appropriation to pay said attorney's fees, and that the same is expressly prohibited by the Constitution of this State.

Pending discussion,

#### HOUSE MESSAGE.

The following message was received from the House:

Hall of the House of Representatives,  
Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bills:

Substitute Senate bill No. 55, A bill to be entitled "An Act to establish and create in each of the cities, towns and villages of this State a State court, to be known as the Corporation Court in each city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts" (with amendments).

Also Senate bill No. 116, A bill to be entitled "An Act to amend Articles 529e, 529l, Chapter 5, Title XIII, of the Revised Penal Code of the State of Texas, 1895, and adding thereto Article 529u, and amending Articles 529g and 529s, and repealing subdivisions 18, of Article 529g, of Chapter 98, of the General Laws of Texas of 1897, relating to offenses for the protection of fish, birds and game, and repeal all laws in conflict herewith."

Also the House has concurred in Senate amendments to Substitute House bill No. 43, the general deficiency appropriation bill.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Pending further discussion of Senate Concurrent Resolution No. 14 (see above).

#### BILL SIGNED.

The Chair gave notice of signing, and in the presence of the Senate did sign, after its caption had been read,

Senate bill No. 44, "An Act to amend Section 4, of Chapter 5, of the Acts of

the Special Session of the Twenty-fifth Legislature, approved June 16, 1897."

Pending further discussion of Senate Concurrent Resolution No. 14, above,

#### EXECUTIVE MESSAGE.

The following executive message was received:

EXECUTIVE OFFICE,  
STATE OF TEXAS,

Austin, Texas, March 10, 1899.

*To the Senate:*

I ask the advice and consent of the Senate to the appointment of O. B. Colquitt, of Kaufman county, as expert member of the Tax Commission, provided for by the Act approved March 1, 1899.

Yours truly,  
JOSEPH D. SAYERS,  
Governor.

On motion of Senator Atlee, 12:30 o'clock today was fixed as the hour for the Senate to go into executive session on the Governor's appointment.

Pending further discussion of Senate Concurrent Resolution No. 14 (see above) the hour arrived for the executive session.

Senator Greer moved that the executive session be postponed until 1 o'clock.  
Lost.

On motion of Senator Patterson, the executive session was postponed until 3 o'clock.

Pending further consideration of Senate Concurrent Resolution No. 14, Senator Davidson moved that the Senate adjourn until 10 o'clock a. m. next Monday.  
Lost.

On motion of Senator James, the Senate adjourned until 3 o'clock p. m. today.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the Chair.

Roll called. Quorum present, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Atlee.    | Lewis.     |
| Burns.    | Linn.      |
| Davidson. | Lloyd.     |
| Gough.    | McGee.     |
| Greer.    | Miller.    |
| Grinnan.  | Neal.      |
| Hanger.   | Odell.     |
| James.    | Patterson. |
| Kerr.     | Potter.    |

Ross.  
Sebastian.  
Stafford.  
Terrell.

Turney.  
Wayland.  
Yantis.  
Yett.

Absent.

Dibrell.  
Johnson.

Stone.

Absent—Excused.

Goss.

Morriss.

The Chair announced that this was the hour set apart by the motion adopted at the morning session for the executive session to consider appointment submitted by the Governor.

#### IN EXECUTIVE SESSION.

The following confirmation was made in executive session:

TO BE EXPERT MEMBER OF THE  
TAX COMMISSION.

O. B. Colquitt, of Kaufman county.

#### AFTER EXECUTIVE SESSION.

#### BILL SIGNED.

The Chair signed in the presence of the Senate, after its caption had been read,

Substitute House bill No. 43, "An Act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the State government from March 1, 1895, to February 28, 1899, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies."

#### HOUSE MESSAGE.

The following House message was received:

Hall of the House of Representatives.

Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 542, A bill to be entitled "An Act to regulate drilling, operation and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses therewith."

Also House bill No. 531, A bill to be entitled "An Act to create a more efficient road system for Navarro county, Texas, and making the county commissioners of said county ex-officio road commissioners,

and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the trimming of hedges by the owners of land, and providing a penalty for failure to trim said hedges, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads, and relieving them from the performance of said work by the payment of the sum of three dollars, and providing further making this law cumulative of the general laws, and in case of conflict, this act to govern as to Navarro county, Texas."

Also House bill No. 9, A bill to be entitled "An Act to amend Article 969, Chapter 3, Title XVIII, of the Penal Code, Revised Statutes of 1895, relating to marriages in case of seduction."

Also House bill No. 147, A bill to be entitled "An Act to amend Article 22, Title IV, of the Revised Civil Statutes of Texas of 1895, by adding thereto Section 55, creating a judicial district in Galveston county, additional to the Tenth Judicial District therein, to be the Fifty-sixth Judicial District; to establish a court and provide for a judge and clerk of such new district; to regulate the venue of said courts of said respective districts, and the disposition of the business therein, and to define the jurisdiction, the boundaries and the terms thereof, and declaring an emergency."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN THE SENATE.

The above House bills were read first time and referred as follows:

House bill No. 542, to Committee on Mining and Irrigation.

House bill No. 531, to Committee on Roads, Bridges and Ferries.

House bill No. 147, to Judiciary Committee No. 1.

House bill No. 9, to Judiciary Committee No. 2.

28—Senate

#### PENDING BUSINESS.

The Senate resumed consideration of Senate Concurrent Resolution No. 14 (see morning Journal).

#### SENATE BILL NO. 244.

By unanimous consent, Senator Davidson introduced the following bill:

Senate bill No. 244, A bill to be entitled "An Act granting permission to the firm of Hogg & Robertson, a firm of lawyers having an office in the city of Austin, Travis county, Texas, and composed of James S. Hogg and J. H. Robertson, or their assigns, to bring suit against the State of Texas in the District Court of Travis county to ascertain what amount, if any, the State is indebted to said firm, or their assigns, on account of a contract entered into on the 30th day July, 1897, between C. A. Culberson, Governor of the State of Texas, and said firm of Hogg & Robertson; said contract being for the collection from the United States government of a sum of money, to wit, the sum of \$101,133.27, and of the date of 30th day of July, 1897."

Read first time, and referred to Committee on State Affairs.

Pending further consideration of Senate Concurrent Resolution No. 14, Senator Davidson moved that the resolution be referred to the Committee on State Affairs.

#### BILLS SIGNED.

Pending action, on the motion of Senator Davidson to refer, the Chair signed, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 167, "An Act to change the times of holding courts in the Fifty-fourth Judicial District."

House bill No. 649, "An Act to amend Subdivision 29, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the district court in the Twenty-ninth Judicial District, except in Coryell county, and to extend the time of holding the court in the county of Erath."

#### PENDING BUSINESS.

The Senate resumed consideration of Senate Concurrent Resolution No. 14 (action being on Senator Davidson's motion to refer).

#### SENATE BILL NO. 245.

By unanimous consent Senator Lloyd introduced the following bill:

Senate bill No. 245, A bill to be entitled "An Act to repeal 'An Act to incorporate

the town of Jacksonville, in Cherokee county, Texas,' passed at the session of the Thirteenth Legislature."

Read first time, and referred to Committee on Towns and City Corporations.

#### EXCUSED.

On motion of Senator Turney, Senator Dibrell was excused for non-attendance upon the Senate today on account of important business.

#### COMMITTEE REPORTS.

The following committee reports were made:

Committee Room,  
Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 44, being a bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees, and for payment of sheriffs' and constables' costs,"

And find the same correctly enrolled, and have this day, at 4 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 193, being a bill to be entitled "An Act to authorize the St. Louis & Southwestern Railway Company of Texas to purchase, own and operate a railway extending from a point in or near the town of Tyler, in Smith county, to a point in or near the town of Lufkin, in Angelina county, with its franchises and appurtenances, known as the Tyler Southeastern Railway; and to authorize the Tyler Southeastern Railway Company, and the owners thereof to sell the same; and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of the St. Louis Southwestern Railway Company of Texas, and to regulate reports of such properties and the operations thereof,"

And find the same correctly enrolled,

and have this day, at 4 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Mining and Irrigation, to whom was referred

House bill No. 70, being a bill to be entitled "An Act to require owner, owners or lessee of coal mines within this State to provide for the safety and health of their employes, and requiring them to construct sufficient means of egress and ingress, and providing a penalty for the failure to do so,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

GREER, Chairman.

#### PENDING BUSINESS.

Pending consideration of Senator Davidson's motion to refer Senate Concurrent Resolution No. 14, to the Committee on State Affairs, the same was lost by the following vote:

Yeas—7.

|           |            |
|-----------|------------|
| Atlee.    | Ross.      |
| Davidson. | Sebastian. |
| Grinnan.  | Wayland.   |
| Linn.     |            |

Nays—20.

|          |            |
|----------|------------|
| Burns.   | Stone.     |
| Gough.   | Miller.    |
| Greer.   | Neal.      |
| Hanger.  | Odell.     |
| James.   | Patterson. |
| Johnson. | Potter.    |
| Kerr.    | Stafford.  |
| Lewis.   | Yantis.    |
| Lloyd.   | Terrell.   |
| McGee.   | Turney.    |

Absent.

Yett.

Absent—Excused.

|          |          |
|----------|----------|
| Dibrell. | Morriss. |
| Goss.    |          |

By Senator James:

"Amend by adding to the end of the resolution the following: 'And it is expressly understood that the adoption of this resolution shall not be intended, in any way, as a reflection upon the personal or political characters nor upon the integrity of the parties to the contract contemplated in the resolution.'"

Adopted.

The resolution as amended was adopted by the following vote:

Yeas—22.

|           |            |
|-----------|------------|
| Atlee.    | McGee.     |
| Burns.    | Miller.    |
| Davidson. | Neal.      |
| Gough.    | Odell.     |
| Greer.    | Patterson. |
| Hanger.   | Potter.    |
| James.    | Terrell.   |
| Johnson.  | Turney.    |
| Kerr.     | Wayland.   |
| Lewis.    | Yantis.    |
| Lloyd.    | Yett.      |

Nays—4.

|       |            |
|-------|------------|
| Linn. | Sebastian. |
| Ross. | Stafford.  |

Absent.

Stone.

Absent—Excused.

|          |          |
|----------|----------|
| Dibrell. | Morriss. |
| Goss.    |          |

"We vote for the resolution for the reason that we believe that the contract is without authority in law, and for no other reason.

"DAVIDSON,  
"GREER."

Senator Miller moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

Tabled.

Senator Potter moved to adjourn until 10 o'clock a. m. tomorrow.

Senator Kerr moved to adjourn until 10 o'clock a. m. next Monday.

Question being on the longest time first, the motion of Senator Kerr was adopted and the Senate adjourned until 10 o'clock a. m. next Monday.

#### FORTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas, Monday, March 13, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Atlee.    | Kerr.      |
| Burns.    | Lewis.     |
| Davidson. | Linn.      |
| Dibrell.  | Lloyd.     |
| Goss.     | Miller.    |
| Greer.    | Morriss.   |
| Grinnan.  | Patterson. |
| Hanger.   | Potter.    |
| James.    | Ross.      |
| Johnson.  | Sebastian. |

Stafford.  
Terrell.  
Turney.

Wayland.  
Yantis.  
Yett.

Absent.

Gough.  
McGee.  
Neal.  
Odell.  
Stone.

Prayer by the Chaplain, Rev. Dr. Den-  
son.

Pending reading of the Journal of Fri-  
day,

On motion of Senator Patterson, the  
same was dispensed with.

#### EXCUSED.

On motion of Senator Hanger, Senator  
Odell was excused for today and tomor-  
row, on account of important business.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the  
Senate.*

SIR: Your Committee on Towns and  
City Corporations, to whom was referred  
Senate bill No. 235, being a bill to be  
entitled "An Act to amend Section 136,  
of the Acts of the Twenty-first Legisla-  
ture of 1889, page 57, of the Special Laws  
of the said Legislature, granting a char-  
ter to the city of El Paso, etc.,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it *do* pass.

Floor report by Miller, James, Ross,  
Stafford, Greer and Hanger.

MILLER, Chairman.

Committee Room,  
Austin, Texas, March 12, 1899.

*Hon. Jas. N. Browning, President of the  
Senate.*

SIR: Your Committee on Towns and  
City Corporations, to whom was referred  
Senate bill No. 245, being a bill to be  
entitled "An Act to repeal an act to in-  
corporate the town of Jacksonville, in  
Cherokee county, Texas, passed at the  
session of the Thirteenth Legislature,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it *do* pass.

Floor report—Miller, James, Ross,  
Burns, Hanger.

MILLER, Chairman.

Committee Room,  
Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the  
Senate.*

SIR: Your Committee on Engrossed